

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ABLA DZADZA APENYUIAGBA,

Plaintiff,

vs.

OMAHA NURSING HOME AND  
REHAB, ANN GRAY, EMILY, and  
STEPHANIE,

Defendants.

**8:19CV30**

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On January 10, 2020, the court ordered Plaintiff to file a copy of her right-to-sue notice within 30 days of the court's order or to amend her complaint to allege whether she exhausted her administrative remedies with the Nebraska Equal Opportunity Commission ("NEOC") and/or Equal Employment Opportunity Commission ("EEOC") and, if so, the date on which she received a right-to-sue notice. ([Filing No. 6 at CM/ECF p. 4.](#)) On February 10, 2020, Plaintiff filed an Amended Complaint which, liberally construed, re-alleged her claims of discrimination, harassment, and retaliation. ([Filing No. 7.](#)) Plaintiff has not, however, filed a copy of any right-to-sue notice nor has Plaintiff alleged that she filed suit within 90 days of her receipt of a right-to-sue notice from the EEOC/NEOC. (See [Filing No. 1 at CM/ECF p. 10](#); [Filing No. 7.](#)) Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff will be given 20 days to show cause why this case should not be dismissed for her failure to file suit within 90 days of her receipt of a right-to-sue notice. To be clear, if Plaintiff did file suit within 90 days of her receipt of a right-to-sue notice, she need only file a copy of the notice in order to comply with

this memorandum and order. However, if Plaintiff did not file suit within 90 days of her receipt of a right-to-sue notice, Plaintiff must also show that equitable or exceptional circumstances exist that warrant tolling of the 90-day period.

2. This matter will be dismissed without further notice if Plaintiff fails to comply with this memorandum and order.

3. The court directs the clerk of the court to set the following pro se case management deadline in this matter: **April 15, 2020**: Deadline for Plaintiff to show cause.

4. The court reserves the right to conduct further review of Plaintiff's claims pursuant to 28 U.S.C. § 1915(e)(2) after Plaintiff addresses the matters set forth in this Memorandum and Order.

Dated this 26th day of March, 2020.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge